

Koch, Kristine

From: Koch, Kristine
Sent: Friday, January 09, 2015 6:35 AM
To: Jennifer Woronets
Cc: Jim McKenna (jim.mckenna@verdantllc.com); Carl Stivers; Patty Dost; Bob Wyatt; Sheldrake, Sean; Allen, Elizabeth (allen.elizabeth@epa.gov)
Subject: RE: Portland Harbor - Draft Final FS Section 1 and Appendix A - LWG Comments
Attachments: 2015_01_09 EPA responses_Combined LWG Edits Portland Harbor FS Section 1 8-28-2014.doc; 2015-01-09 Proposed Final Portland Harbor FS Section 1.docx

Bob and Jim – This email is to clarify that the EPA response to LWG comments on Section 1 was handled consistent with our revised FS process. On July 8, 2014, EPA provided a draft of the modifications made to the draft FS: Sections 1 and 2 of the draft FS were combined into one section (Section 1). On August 14, the LWG provided redline/strikeout comments to EPA. EPA considered those comments and provided written responses on August 25, 2014. On August 29, 2014, EPA received additional comments with redline/strikeout modifications to the text from the LWG. EPA considered the comments and modifications LWG made to the text and considered those in finalizing the text. However, EPA has further reviewed the redline/strikeout edits provided by the LWG on August 29 and has made some additional modifications to the text. EPA is providing an updated version of the text of FS Section 1 with our response to the redline/strikeout modifications and comments by Amanda Shellenberger in the August 29 version of the document (attached). The comments provided by the LWG on August 29, 2014, had already been discussed previously, thus EPA is not providing additional responses to those comments.

One of the LWG's comments provided on August 14 was that a description of the FS database be included in the text of Section 1. EPA agreed and requested that the LWG provide the language describing the database by August 29, 2014. On September 17, 2014, the LWG provided the text for the description of the FS database. EPA considered this language in making the final edits. The other discrete issue came out of the meeting on August 25, 2014. The LWG claimed that the information in the text of FS Section 1 lacked accuracy regarding the fate and transport of contaminants. EPA requested that the LWG provide corrections to the language by August 29, 2014. On September 17, 2014, the LWG completely deleted EPA's discussion of fate and transport and replaced it with the LWG's complete CSM language from the draft FS that EPA had removed. Since this was not what was agreed to in the August 25, 2014 meeting, EPA did not consider these edits.

I would also like to clarify that EPA considered edits to the FS in regard to the August 22, 2014 letter from Black Helterline LLP on behalf of Northwest Pipe and the August 29, 2014 letter from Golder Associates Inc. and AMEC on behalf of Bayer CropScience (BCS). EPA disagrees that August 22, 2014 letter implied legal action or that we deleted the information solely based on the information provided in the letter. Black Helterline LLP demanded that EPA remove what they believed to be incorrect information regarding their client. EPA consulted with Oregon DEQ project managers and EPA's lead RPM for source control to determine if the requested changes in both letters were factually correct. DEQ and EPA project managers determined that the information was correct; thus, EPA made the requested modifications to the text of FS Section 1.

Let me know if you have any concerns with these clarifications.

Regards,

Kristine Koch
Remedial Project Manager
USEPA, Office of Environmental Cleanup

U. S. Environmental Protection Agency
Region 10

1200 Sixth Avenue, Suite 900, M/S ECL-115
Seattle, Washington 98101-3140

(206)553-6705
(206)553-0124 (fax)
1-800-424-4372 extension 6705 (M-F, 8-4 Pacific Time, only)

From: Jennifer Woronets [<mailto:jworonets@anchorqea.com>]
Sent: Friday, January 02, 2015 4:34 PM
To: Koch, Kristine
Cc: Jennifer Woronets; Jim McKenna (jim.mckenna@verdantllc.com); Carl Stivers; Patty Dost; Bob Wyatt; Sheldrake, Sean
Subject: RE: Portland Harbor - Draft Final FS Section 1 and Appendix A - LWG Comments

Kristine,

The following email is provided on behalf of Jim.

Kristine:

Attached please find LWG comments on your December 18, 2014 proposed final draft of Section 1 of the revised FS. EPA provided a draft of Section 1 of its revised FS on July 8, 2014 and engaged in technical discussions with the LWG that concluded on August 29, 2014. On August 29, the LWG submitted to EPA a letter and attachments that included a list of concerns related to EPA's Section 1, along with a redline-strikeout set of suggested edits to Section 1 (the LWG provided text on two discrete issues at EPA's request on September 17 based on new proposed edits from EPA on August 25).

You indicated by telephone on December 19 that you would not be providing a written response to the August 29 comments and that further technical discussion was unnecessary, because the LWG's concerns were fully vetted during the original review period. Because it does not appear that EPA incorporated the LWG's August 29 comments into the December 18 draft, we are reiterating those comments to provide a clear record of our ongoing significant concerns with EPA's "streamlined" Section 1. We hope EPA will consider these comments before providing its final directed changes on all sections of the FS pursuant to the December 17 revisions to the FS Revision Process Agreement. Please note that, although we are not requesting an extension to the 15 day technical resolution period, we are providing a copy of the comments to the EPA and LWG senior managers because these comments identify key LWG concerns about the revised FS.

If you need further information or would like to discuss these comments, please let us know.

Thanks, Jim.

Let us know if you have any questions.

Thank you,
Jen Woronets ☺
Anchor QEA, LLC
jworonets@anchorqea.com
421 SW Sixth Avenue, Suite 750
Portland, OR 97204
503-972-5014

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From: Koch, Kristine [<mailto:Koch.Kristine@epa.gov>]
Sent: Thursday, December 18, 2014 2:19 PM
To: Bob Wyatt; Jim McKenna (jim.mckenna@verdantllc.com)

Cc: Jennifer Woronets; Sean Sheldrake

Subject: Portland Harbor - Draft Final FS Section 1 and Appendix A

Bob and Jim – Thank you for the input the LWG provided on EPA’s modification to the Portland Harbor FS Section 1, which replaces Sections 1 and 2 of the draft FS, and Appendix A, which replaces Appendix R of the draft FS. EPA has carefully considered all comments in preparing the draft final document. Per the FS revision process modified on December 17, 2014, EPA is providing the draft final versions of FS Section 1 and Appendix A. EPA’s contractor sent you the revised FS database in a separate email. We look forward to completing the remaining sections of the FS with you.

Regards,

Kristine Koch
Remedial Project Manager
USEPA, Office of Environmental Cleanup

U. S. Environmental Protection Agency
Region 10
1200 Sixth Avenue, Suite 900, M/S ECL-115
Seattle, Washington 98101-3140

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